IN THE HIGH COURT OF JUDICATURE AT PATNA
CWJC No.8541 of 1991

ABU BAKAR KHAN @ LAKHI KHAN S/O LATE HASNAT AHMAD KHAN, R/O VILLAGE LAWABAR PS.- IMAMGANJ PO -BARE DISTT- GAYA---- -- PETITIONER

Versus

1. THE STATE OF BIHAR
2. THE DIRECTOR OF CONSOLIDATION, BIHAR, PATNA
3. THE JOINT DIRECTOR OF CONSOLIDATION, GAYA
4. THE DEPUTY DIRECTOR OF CONSOLIDATION, GAYA
5. THE CONSOLIDATION OFFICER, IMAMGANJ, GAYA
6. UGRAH NARAIN SINGH
7. KAMESHWASR SINGH
8. SHYAM NARAIN SINGH, ALL R/O LATE NATHUNI SINGH, R/O VILLAGE LAWABAR, PS- IMAMGANJ, PO - BARE, DISTT- GAYA-- - RESPONDENTS

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7 23.12.2008 The short submission made at the bar by learned counsel appearing for the petitioner is that despite categorical order having been passed by the Director Consolidation on 9.7.1991 calling for the record of Revision Application No. 163 of 1990 and the order of stay having been passed which is evident from annexure-5, the Joint Director by virtue of annexure-1 passed ex parte order recording that the petitioner has not appeared before him and set aside the orders passed by the Consolidation Officer and the Deputy Director of Consolidation. According to petitioner therefore the order impugned under annexure-1 is improper order in the eye of law and is in breach of judicial discipline in this regard. No counter affidavit has been filed either by the private respondent or the State to controvert the above fact.

In that view of the matter the impugned order contained in annexure-1 is set aside. This writ application is allowed. Liberty will be to the parties to do the needful if so advised.

RPS (Ajay Kumar Tripathi, J.)

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